

REMARKS / ARGUMENTS

The Office action, dated May 12, 2004, has been carefully considered. In the application, no claims currently stand allowed and claims 1-20 stand rejected. Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gershman et al. ("Gershman"), U.S. Patent No. 6,199,099. For reasons presented hereinafter, Applicants request reconsideration of this rejection because the Gershman reference does not anticipate the present invention as described and claimed in the pending application.

Before turning to the specific claim language, Applicants believe a short synopsis of the invention might be useful. The specification teaches in particular embodiments a method and system for processing data records having multiple formats, in which each format to be parsed has a plug-in module associated with it. As is explained on pages 2 and 3 of the specification, each plug-in module has a uniform interface that can be accessed by, for example, a parsing engine or other client. The parsing engine may, in turn, provide services for manipulating data to the plug-in modules in order to assist them in performing their respective tasks. A standard format can be provided to allow data from the records to be stored in a database.

In contrast to the Applicants' invention, the Gershman reference teaches a method for facilitating web-based information retrieval, wherein a wireless phone or similar hand-held wireless device prompts a user to input information of interest to the user. This information is transmitted to a service routine that queries the Web utilizing a distributed communication network to find price, shipping and availability information from various Web suppliers. The

user may then use the hand-held device to place an order interactively utilizing a distributed communication network.

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single prior art reference of each and every element of a claimed invention, arranged as in the claim. *See Brown v. 3M*, 265 F.3d 1349, 1351, 60 U.S.P.Q.2d 1375, 1376 (Fed. Cir. 2001); *Apple Computer, Inc. v. Articulate Sys., Inc.*, 234 F.3d 14, 20, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000). Thus, in order for an anticipation rejection over a prior art reference to be proper, the reference “must clearly and unequivocally disclose the claimed [subject matter] or direct those skilled in the art to the [subject matter] without *any* need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *In re Arkley*, 455 F.2d 586, 587, 172 U.S.P.Q. 524, 526 (C.C.P.A. 1972) (emphasis in original).

The anticipation rejection over the Gershman patent set forth in the Office action requires just such picking, choosing, and combining. In particular, the Office action arrives at the proposed combinations only after using the present invention as a template to choose unrelated portions of Gershman patent and to combine those unrelated portions in a manner neither taught by the Gershman patent itself nor envisaged by those of ordinary skill in the art. At best this approach leads to improper rejections of certain claims which must be withdrawn; at worst it advances rejections of other claims in which the prior art does not even possess all the limitations of the pending claims.

Turning to the pending independent claims, claims 1, 6, 9, 13, 19, and 20, the Office action cites to column 5, lines 1-4, column 10, lines 43-45, the abstract, and column 26, lines 64-67 of the Gershman patent in an effort to invalidate claim 1 as being anticipated by Gershman.

Column 5, lines 1-4 describe certain characteristics of object oriented programming components while column 10, lines 43-45 describe a task that the Background Finder (BF) agent, as implemented in a preferred embodiment, can perform such that the BF agent can parse a text string corresponding to a target event in a calendar program. The cited passage from the abstract, "A network is queried for information utilizing a distributed communication network. A response is then received to the query from the distributed communication network." illustrates a client requesting and receiving a piece of information over a network. Finally, column 26, lines 64-67 references explanatory comments for a procedure of the specified implementation called SearchNewsPage, which submits a query and returns the result containing title, URL, and body/summary of a news story retrieved from a web page. It is unclear from the Office action's mere recitation of the above passages how these disparate portions of the Gershman disclosure can be constructed to read on claim 1 which recites:

1. A method for processing data records of multiple formats, the method comprising:
providing a uniform interface for one or more plug-in modules, wherein each module is adapted to parsing at least one of the multiple formats; and,
receiving the results of parsing operations from one or more of the plug-in modules through the uniform interface.

In asserting that the Gershman patent teaches such a combination, the Office action picks, chooses, and combines isolated portions of the Gershman patent's specification in an effort to reconstruct the claimed invention, thereby improperly using the present invention as a template for such hindsight reconstruction and ignoring the explicit teachings of the Gershman patent. In particular, the Office action selects the Gershman patent's isolated disclosure of parsing a text string and appears to extend this disclosure to teaching a parsing for one or more multiple formats of data records, thereby arriving at a combination that is neither taught by the Gershman patent nor clearly envisaged by one of ordinary skill in the art from the Gershman patent's

teachings. Indeed, nowhere in its disclosure does the Gershman patent connect or relate the passages relied upon by the Office action in such a manner that the proposed combination can fairly be considered to be taught by the reference.

The Office action's rejection of claim 6 suffers from a similar deficiency. In rejecting claim 6 the Office action also cites to the column 10, lines 43-45 section asserted for claim 1 and additionally cites to column 29, lines 5-11. The latter passage describes the process of transmitting a bar code via a wireless device and translating it into a numerical reference number. Again it is unclear from the Office action's mere recitation of the above passages how these disparate portions of the Gershman disclosure can be constructed to read on claim 6 which recites:

6. A computer-readable medium having stored thereon computer-readable data comprising:
a parsing module for parsing data records and converting the data contained in the data records from a non-standard format into a standard format and passing the converted data through a uniform interface so that it can be stored in a database.

Nor is it clear from the Office action how the Gershman patent's isolated disclosure of parsing a text string extends to teaching a parsing for one or more multiple formats of data records by virtue of combining with it a separately distinct passage that teaches nothing more than the querying and resolving of a bar code into a numeric value.

The same can be said of the Office action's rejection of claim 9 where the above cited section pertaining to wireless bar code scanning is combined with column 11, lines 21-34 which describes a data structure used to store meeting information. Yet again, it is unclear from the Office action exactly how the combination of wireless bar code scanning when combined with a *data structure* reads on the following *method* of claim 9:

9. A method for converting data from a non-standard format to a standard format, the method comprising:
retrieving the data from a record; parsing the data to determine its contents;

resolving inconsistencies between the data and the standard format to convert the data to the standard format; and,
passing the converted data through a standard interface for storage in a database in the standard format.

In sum, with regard to claims 1, 6, and 9, as in *In re Arkley*, the Gershman patent does not clearly and unequivocally disclose the claimed subject matter or direct those skilled in the art to the subject matter without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference. *See In re Arkley*, 455 F.2d at 587-89, 172 U.S.P.Q. at 526-27. Therefore, contrary to the assertions in the Office action, the Gershman patent does not actually disclose, in the manner required for purposes of supporting an anticipation rejection, the claimed method for processing data records of multiple formats and thus the rejections of claims 1, 6, and 9 must be withdrawn.

The rejections of the remaining independent claims, claims 13, 19, and 20, must also be withdrawn as the Gershman reference does not teach all of the limitations of the claims. Claims 13, 19, and 20 all contain a limitation that the converted data is stored in a database. The Office action cites column 50, lines 42-45, which describes a logging facility in the Server Application Services sub-system, to support the 35 U.S.C. § 102 rejection of claims 13, 19, and 20. However the Office action fails to take note of the paragraph immediately preceding the cited passage, at column 50, lines 34-36 which specifically states that “The Server Application Services sub-system processes application business logic on the server *independently from the underlying database management system.*” (emphasis added). Therefore, the cited portion of Gershman reference could not possibly read on claims 13, 19, and 20 as these claims contain limitations that the converted data is stored in a database. Hence, these rejections too must also be withdrawn. Furthermore, as all of the pending independent claims have been shown to not be anticipated by the Gershman reference, the remaining claims which depend from these claims are

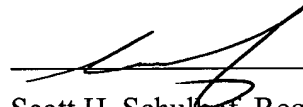
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similarly not anticipated and the corresponding rejections in the Office action must be withdrawn as well.

CONCLUSION

In view of the foregoing remarks, the claims are patentable over the art of record and the rejection of claims 1-20 should be withdrawn. The Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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